

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DIVISION OF MISSISSIPPI  
SOUTHERN DISTRICT**

|                           |          |                                   |
|---------------------------|----------|-----------------------------------|
| <b>DORIS WAYNE MALONE</b> | <b>§</b> | <b>PETITIONER</b>                 |
| <b>V.</b>                 | <b>§</b> | <b>CAUSE NO. 1:09cv333-LG-RHW</b> |
| <b>MDOC</b>               | <b>§</b> | <b>RESPONDENT</b>                 |

**ORDER ADOPTING PROPOSED  
FINDINGS OF FACT AND RECOMMENDATION**

This cause comes before the Court on the Proposed Findings of Fact and Recommendation [15] of United States Magistrate Judge Robert H. Walker, entered in this cause on May 11, 2011, in which he recommends dismissing the Petition for Writ of Habeas Corpus [1] for failure to exhaust State remedies. Petitioner Doris Wayne Malone has not filed objections to the Magistrate Judge's recommendations.

The Court finds that the Magistrate Judge properly recommended that the Petition be dismissed for failure to exhaust State remedies. After referral of hearing by this Court, no objections having been filed as to the Proposed Findings of Fact and Recommendation, and the Court, having fully reviewed the same as well as the record in this matter, and being duly advised in the premises, finds that said Proposed Findings of Fact and Recommendation should be adopted as the opinion of this Court.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that the Proposed Findings of Fact and Recommendation [15] of United States Magistrate Judge Robert H. Walker, entered on May 11, 2011, be, and the same is hereby, adopted as the findings of this Court.

**IT IS FURTHER ORDERED AND ADJUDGED** that the [1] Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED**. A separate judgment will be entered in accordance with this Order as required by Fed. R. Civ. P. 58.

**SO ORDERED AND ADJUDGED** this the 31<sup>st</sup> day of May, 2011.

s/ *Louis Guirola, Jr.*  
LOUIS GUIROLA, JR.  
CHIEF U.S. DISTRICT JUDGE